

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**D.D., a minor, by and through his parent
and Next Friend, V.D., et al.,**

Plaintiffs,

MEMORANDUM AND ORDER

-against-

03-CV-2489 (DGT)

**NEW YORK CITY BOARD OF EDUCATION,
et al.,**

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Counsel for the City defendants has requested a copy of the transcript of the sealed proceeding that took place on May 3, 2006. Plaintiffs' counsel opposes the request.

Because of the confidential nature of the discussions, the Court advised the parties at the outset of the conference that the proceeding and the resulting transcript would be sealed. While the conference was underway, counsel advised the Court that they preferred to go off the record entirely. The Court granted that request with no objection from any party, and thus most of the discussions, including the Court's comments and proposals, occurred off the record.

The City defendants now request that they be provided a copy of the sealed transcript, as they "believe that reviewing the transcript will assist the parties in their future discussions" (Sealed) Letter to the Court from Jane R. Goldberg, dated 5/5/06. However, because the transcript contains only a fraction of the discussions that occurred that day, the danger exists that the transcribed portions will be given undue weight, and/or that the Court's

comments early in the conference will be quoted out of context. All counsel involved in this litigation were present at the May 3rd conference, as were several clients on the defense side. Therefore, the Court is not persuaded that a truncated transcript of the proceeding is needed by the parties in connection with their continuing discussions.

The City's request is denied without prejudice to a more particularized showing of need.

SO ORDERED.

**Dated: Brooklyn, New York
May 8, 2006**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**